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AN

EXAMINATION

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OF

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THE QUESTION,

WHO IS THE WRITER OF TWO FORGED LETTERS  
ADDRESSED TO THE PRESIDENT OF THE  
UNITED STATES?

ATTRIBUTED TO

JOHN RUTLEDGE, Esq.

MEMBER OF CONGRESS, FROM SOUTH CAROLINA.

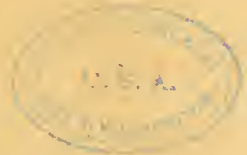
*William Duane*

— 17 —

WASHINGTON CITY:

PRINTED BY WILLIAM DUANE & SON.

1803.



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## AN EXAMINATION, &c.

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**T**WO forged letters, addressed to the President of the United States, have excited an uncommon interest in the public mind. The nature of the fraud, the official stations of the persons implicated in the forgeries, and their standing in society, unite in demanding a clear and cool examination of the subject; one, in which character shall be treated with the respect to which it is entitled, the facts stated with accuracy, the arguments and conclusions drawn from the nature of the case and facts alone—the feelings of party, the prejudices and the passions, kept in strict subjection to reason and truth. Such an examination I will now attempt; how far it will be faithfully executed, is submitted to the judgment of others.

It is unnecessary to be constrained in stating, that those letters have been attributed to Mr. Rutledge, a member of Congress, from South Carolina. Mr. Rutledge, from the situation in which he stands, from his connexions and education, should hold an honorable character, in the maintenance of which, he and his friends ought to feel deeply interested:—the invidious course will not be pursued here of going into private life, to obtain evidence against his morality—he ought to be presumed immaculate—nor ought his reputation to be tarnished by light suspicions or vague suggestions. By the public he should be considered innocent, until he shall have been proved guilty. The character of Mr. Ellery, as one of the Senators from Rhode Island, and in all other relations stands upon high ground. No dark or malignant passions have ever been attributed to him; by the society of which he is a member, he is considered as just, mild, and benevolent, seeking for happiness in domestic society—not in the bustle of public life—he derives his claim to confidence from the exercise of every virtue—not from a want of virtue in others. Between these two characters this subject is at issue. Mr.

Rutledge stands arraigned at the bar of public opinion for having at Newport, in the month of August, 1801, written, addressed, and transmitted to the President of the United States, two letters, one on the 2d, and the other on the 8th of August, in the name of Nicolas Geffroy, of Newport, without the knowledge or assent of Geffroy, with an intent to deceive the President, and to lead him to such acts as might bring him into contempt. That these letters were forged, and transmitted in the manner set forth, is universally admitted—some person must consequently be guilty. Mr. Ellery has been presented to the public as accuser, Mr. Rutledge as the person accused of the crime. One or the other must be criminal.

It is not to the purpose to accuse or defend the newspaper called the Rhode Island Republican, for not admitting the defence and proofs of Mr. Rutledge into the paper—*without ascertaining whether they were decent or not*. It is not in issue whether the high state of party, and the absolute refusal on the other side, of the Newport Mercury, to admit any thing in favor of the republicans, justified the measure. It does not prove the innocence of Rutledge—equally remote from the question are all the threats against the life of Mr. Ellery, and the late attempts to abuse him—if not to destroy his existence. These things may prove baseness and wickedness of a different kind; but they do not prove Rutledge guilty of the forgery. The single question is—whether Rutledge is, or is not, guilty of that crime?

To enable the public to decide upon this question, it is necessary to give a concise statement of the facts which have been published, and which exist in or belong to the case.

Rutledge has resided in the summer months at Newport, for four or five years past. Having an extensive correspondence, he had been led to a personal acquaintance with Richardson, the post-master at that place, an old, experienced, and approved officer, of more than twenty years standing. Richardson, and the assistant, his son, by frequently receiving billets from Rutledge, and forwarding his letters sent to the office, had become well acquainted with his hand writing—a number of friendly acts had been done by Mr. Richardson to Rutledge in his absence, for which Rutledge had expressed his obligations to Richardson—the most perfect harmony and good understanding subsisted between them. Every thing remaining in this situation, Rutledge, soon after Mr. Cerry returned from France, came into Richardson's office, and after walking to and fro for a little time, with an affected carelessness, drew

from his pocket, and as he thought unobserved, a letter, and while walking from the Richardsons, dropt it before him.—The transaction was noticed by one of the officers. Rutledge continued walking for a little time longer—then struck the letter with his foot, as if accidentally—picked it up and exclaimed—“Richardson, what makes you so damned careless, see here a letter, designed for the mail, is lying under foot.”—Upon this Richardson received from him the letter, which had never before been delivered into the office, and noticed it was addressed to the honorable Elbridge Gerry. Rutledge soon withdrew. The fact of dropping the letter was then communicated by him who saw it to the other—the letter was examined, and both the officers were satisfied, from the similarity of the writing, that the address was written by Rutledge; though in a constrained and disguised hand writing. From this moment the post-master seriously entertained doubts respecting the character of Rutledge; but these doubts, together with the acts which produced them, remained as secrets. Various other instances of letters in the same, or at least a similar constrained hand writing, served but to strengthen the suspicion of the post-master. At length, on the 2d day of August, 1801, a servant girl, who, the post-master, understood, and who said she lived with Rutledge, brought a letter, which she said Rutledge sent to be forwarded by the post. It was one of the forged letters. The post-masters examined it, and from their knowledge of both Rutledge’s natural and constrained hand writing, were convinced it was written by him. The letter was then so far examined and such marks given or ascertained as will forever enable them to identify it. Richardson, from what he had previously known of the conduct of Rutledge, and from the disguise of the hand writing, at once suspected it was an imposition upon the President, and believed it to be his duty to communicate the facts to some person belonging to the government. Accordingly on the same day he communicated them to Mr. Ellery, who had a few weeks before been elected into the Senate of the United States—who commenced his political career in May, 1801, and never had been at the seat of government. Ellery and the Richardsons, on the same day, made memoranda in writing of the above facts.

On the 8th day of the same August, the same girl brought the second letter, addressed to the President, in the same disguised hand writing, and declared it was sent by Rutledge—the post-masters were fully satisfied, from an examination, that this also was written by him, and took such measures as will forever enable them to identify it. Richardson feeling disquiet at the indignity offered to the President, and not knowing

but that the letters might produce some improper effect, wrote to the editor of the National Intelligencer at Washington, intimating his fears respecting anonymous or forged letters addressed to the President, and requesting he might be put upon his guard. On the same day these facts were communicated by Richardson to Ellery; and both Ellery and the Richardsons then made memoranda of them in writing—all which memoranda can now be produced before any court of justice. On the 28th day of August 1801, the President's answer to the letter of the 2d of August, addressed to Nicholas Geffroy, arrived. It was not franked. This letter was delivered to Geffroy, who, finding it from the President, and treating of the contents of the forged letter of the 2d August, and at the same time well knowing he had never written to the President, considered this letter a mere trick to impose upon him. This opinion in his mind was confirmed by the circumstance that the seal was moist, which frequently happens where letters and newspapers are conveyed in the same bag, especially in damp or wet weather—he accordingly called upon the post-master, made complaint of the imposition, delivered back the letter from the President, and received of Richardson the amount of the postage. On the same day the post-master laid this letter before Mr. Ellery, who immediately wrote to the President and inclosed copies of his memoranda. On the 17th of September 1801, the President wrote an answer from Monticello, to Mr. Ellery, in which he stated, that he had written *one* letter and *one only* to Geffroy.

Upon Ellery's arrival at Washington, in December 1801, being the first time of his coming to Congress, and four months after the forgeries had been committed, he waited on the President and delivered to him the letter he had written to Geffroy. Afterwards, in April 1802, he received from him the two forged letters. Until this period he had never seen the hand writing of Rutledge. After his return from Congress in May 1802, he procured some of the acknowledged hand writing of Rutledge, and on comparison of that with the hand writing in the forged letters, he perceived what he believed conclusive evidence of the guilt of Rutledge. Whereupon he applied to an eminent federal lawyer in New-England, and laid the forged letters and acknowledged hand writing of Rutledge before him. He too was convinced by the striking similarity of writing; but doubted upon the point of law whether an indictment could be supported, as the letters were not written with an intent to injure Geffroy. He therefore recommended a public exposure in the newspapers, that persons might be on their guard against similar impositions. Ellery had pledged himself to the post-master that

he would not make any charge upon Rutledge, nor give publicity to these transactions, unless the public interest demanded it. Influenced by the advice of the character above referred to, he waited on Richardson, the post-master, informed him of the advice he had received, and requested his permission to lay the whole before the public. The post-master is a very quiet, peaceable citizen—he was unwilling to do an act, which, though bottomed in truth, might destroy the reputation of Rutledge—accordingly he strongly opposed openly charging Rutledge with the crime; Ellery yielded to the wishes and feelings of the post-master, and no measures were taken to expose the offender. After this, on the 21st of July 1802, in the morning, before the post-master had left his bed-chamber, a number of letters for the post office were left at Richardson's house, by the servant of Rutledge, as the post-master was informed by his family. These letters were all written on similar paper—sealed with black wax, with Rutledge's known and common seal, and were all addressed to the various persons in Rutledge's hand writing—but one of them, addressed to James Thompson Callender, of Richmond, Virginia, was in Rutledge's constrained or disguised hand, and after the impression of the seal on that letter, the wax had been melted and the impression almost wholly defaced. This letter, with the others, was forwarded by the mail—and on the 12th of August 1802, a letter was received at Richardson's office, post marked "Richmond Va." addressed to "Robert T. Smith, of Charleston, South Carolina, now at Newport, Rhode-Island"—on the outside of which letter was indorsed these words, "with a paper." The same day Rutledge applied to the post-office for letters addressed to Robert T. Smith, who he said was his friend from Charleston, that he had been at Newport and gone on to Boston; and that he had written to him that he should not return by Newport, and wished him to take up his letters. The letter from Richmond was delivered to him—he then asked for the paper and was informed that it had not come on. All these facts were communicated to Mr. Ellery. Soon after this, the Recorder, printed at Richmond, by Callender, appeared overflowing with falshood, calumny and abuse against the President. Under these circumstances Ellery believed it his duty to submit to the public the facts respecting the two letters—having taken the advice of several respectable gentlemen, who concurred with him in opinion; the charge was openly made upon Rutledge in the Rhode-Island Republican.

It may be well to remark, that upon making enquiry, it does not appear that any person of the name of Robert T. Smith, belonged to Charleston, or was either at Newport or

Boston last Summer; and that Mr. Gerry did receive an anonymous letter about the time first mentioned.

The delivery of the letters, signed Nicholas Geffroy, and Nic<sup>s</sup>. Jeffroy, at the post office, by Rutledge's girl—her declaration that Rutledge sent the letters, and that they were addressed to the President in the hand writing of Rutledge, are proved by the testimony of the post-master and his assistant, already noticed; and every other fact herein stated can be proved in a court of law.

These facts, together with the striking similarity between the acknowledged hand writing of Rutledge and the writing of the forged letters (which similarity is to be found, not only in single letters, but in every letter, in a variety of words, and also in the manner of dotting, and in his punctuation, both of which are very remarkable) constituted the whole evidence known to those interested in the detection of the fraud at the time the charge was made in Rhode Island—since that period this further important and conclusive testimony has been discovered against Rutledge—

1st. That the paper on which the forged letters were written is different from any other paper ever known to have been in Rhode Island, and in fact is a part of the hot pressed paper which, in the year 1800, was imported into Philadelphia for the use of Congress, bearing this water-mark, "T. Stains, 1799." This paper was, by the officers attending Congress, delivered out to the members at their session, commencing December 1800, and ending in March 1801—at which session Rutledge attended as a member, and from Congress retired to Newport. Mr. Ellery had not at this time taken his seat in Congress, nor was he elected till May 1801.

2d. That in the summer 1802, Rutledge addressed a letter to one of the first characters in Rhode Island, written on paper delivered out to the members at the last session of Congress—which evinces that he has been in the habit of making use of public paper in vacation.

3d. That various anonymous pieces, written and sent to the office of the Aurora, in the winters of 1797, 1798 and 1799, while Rutledge was in Congress—some of which treated of the balls and dinners of Liston—some puffed Rutledge as a candidate for the speaker's chair—as the favorite of the ladies and the like, though under the guise of irony—while others treated with great contempt the characters of his friends, Champlin,

Harper and others—are all of the same constrained hand writing with the forged letters signed Nicolas Geffroy—undeniably written by the same hand—bearing all the characteristic marks of Rutledge's writing, in the formation of the words and of the letters, in dotting the letters, and in the mode of pointing.—This assertion is made boldly and positively, after a critical and careful examination—not by the writer alone, but by many of the most respectable members of the two houses of Congress and others—upon whose minds there is not a doubt remaining. It is within the recollection of every person acquainted with what passed in those years, that a variety of severe allusions, pointed at some of the federal members of Congress, appeared in the Aurora, and that it was matter of surprise how the Editor of that paper should have knowledge of what passed at Liston's and in the federal parties.\* What must be the astonishment of the public, and particularly of the gentlemen themselves at finding, that the honorable John Rutledge was the unknown author of most of these pieces; and that the originals, in his hand writing, are now at the seat of government, ready to be exhibited to any person, or before a court of justice—yet so the fact is. One other important fact it is necessary to state in this place. The anonymous writer having sent to the printing-office some of those pieces which were laid by and not published, addressed a note to the Editor, in

\* It may be asked, how it could happen, that the Editor of a public paper should rely so confidently and implicitly upon the communications of an anonymous writer. This the Editor of the Aurora explains this way: That numerous sheets of the same writing had been rejected both by Mr. Bache, his predecessor, and himself; and that many of those published were much altered and softened from their original violence and asperity. That he had questioned the authenticity of the writer on many occasions, but was at length constrained to repose more confidence in him from the following incident:—There was in the suite of the British Minister, a painter, a plain but intelligent man, who was employed constantly by Liston, in drawing drafts of military positions, landscapes, &c. With this man the Editor frequently fell into company at a weekly musical society. After some articles of the anonymous writer had appeared in the Aurora, concerning Liston, this artist, who had theretofore maintained a cordial acquaintance with the Editor, visibly avoided him at the club, and changed seats to avoid conversation with him. As the publication had been sometimes a subject of jocularly in the club, the Editor took notice of the distance so studiously maintained, and took an opportunity to enquire if any offence had been given—the artist very candidly declared there had been none, but some recent publications in the Aurora had very much alarmed him; as they must have been communicated by some person who had intercourse in the house, and he was apprehensive that if seen in conversation, the suspicion might rest on him—and on this account he soon absented himself from the club altogether. The obvious conclusion was, that the anonymous correspondent communicated real facts—though even after that time several articles were suppressed.

the same hand writing, requesting him to publish the pieces, and if the author was demanded, he should be made known—accordingly the pieces were published—the author was demanded by the person implicated, and desired by the Editor—in answer to this he received a second note, desiring him to call on General Varnum. The Editor called on General Varnum, who informed him he knew nothing of the subject. I will now introduce some of these peices, that the public may recognize the publications alluded to, and also discover that they must have been written by a person then at Philadelphia, who was well acquainted with the characters in Congress, and what was passing. And here I beg to be correctly understood—I do not offer these articles as containing truths—I introduce them as the original productions now lying before me, and in likeness as much resembling the forged letters, signed Nicolas Geffroy, as a man does himself. Speaking of himself, he says “Lord, Lord, what a charming thing it is to be a man of fashion, Mr. R. is a man of fashion, and the women say it was very sensible in old Thunderer to make him the heir apparent, for that he is a man of fine parts, &c.” When attacking Champlin, he says—“Young Champlin has commenced speaker to the very great mortification of his friends: They are fearful that his habit of vociferating in society, to the exclusion of every body present, will be practised in public, and that he will become as great a chatterbox in Congress as he is in private—A French gentleman, who heard of this federal apprehension, observed that those who differed with Mr. C. would not be much annoyed by his movements.” (Here follow expressions and allusions too indecent to be published.)—Speaking of Otis, in relation to some remark which fell from Gallatin at the fire side, to which Otis replied on the floor of Congress, he breaks out in this ejaculation—“Now, ye solid men, ye wise men of Boston! was this fair! was it honorable! was it decent, would it be permitted in private between gentlemen? Oh, fie Mr. Otis! fie upon it!”—Abusing Harper, whom he mortally hated, he says, “A certain member of the committee of ways and means finds out that it will be well to get a wife with a good jointure, and have a father-in-law who stands high at the bank: But there are objections to him, and the lady is not *willing* to have him, on account of his two sons—she objects greatly to their colour—he however declares that he is leaving off his old tricks—that the black and the brown shall be discarded for the fair—and the final arrangement is going on.”—Commenting on a ball given by the British minister, among other things, he says—“Judge Ellsworth vowed he would not have drunk so much, if he had known that wine was stronger than



“cyder.” Again —“The devil has got into poor Edmond, he will speak after the eloquent Mr. Gallatin—a stranger who heard him on Monday, observed that Messrs. Edmond, Gordon, and Sprague, might be very good lawyers, but they were certainly dry speakers.”—Once more, and I will not trouble the public further, although very many other pieces are before me—“A section of feds marching down Chestnut-street, some days ago, presented a very mosaic sort of front. A stranger, standing at the corner, said to his nomenclator, who is that sir?” That is Mr. Harper, a violent fed, who was a ci-devant president of a jacobin club at Charleston—“Who is the next sir?” That sir, is general Williams, who came from the old country as tumbler to Dr. Lindaw—“Wnat, he who sold powders at Dumfries, in Virginia? Yes, the same—“Who are the others, sir?” That is parson Read of Massachusetts, who gets six dollars a day by being in Congress, and pays half a dollar to a young sprig of Divinity for every sermon preached for the old parson, while at Congress. The next is Machir, a Scotchman, from Virginia; and the other, that long man, is Mr. A.\* from Connecticut, who has a brown mistress *because she is not dear.*” These are samples of the anonymous pieces before me, all in the same constrained hand writing, and bearing every mark of the writing of Rutledge—If either of the gentlemen, whose names have been mentioned, doubt the truth of this assertion, let him take the trouble of examining, and he will be satisfied.

4th. A further and a still more conclusive corroborative evidence of the identity of the writer, is found on a comparison of the paper served to Congress in Philadelphia, in 1799 and 1800, which is of a different quality, and bears a different water mark, from that upon which the acknowledged letters and the forged letters of Rutledge were written, in 1801.—There are now lodged along with the other evidences several original letters written on this paper of different quality, dated in “Philadelphia, Feb. 25, 1799,” and “Philadelphia, March 13, 1800,” signed with the name and in the acknowledged hand writing of John Rutledge; the water mark of this paper is “A. Blackwell, 1797,” and it is exactly of the same quality, watermark, size, and mould, of the paper upon which the anonymous articles sent for publication to the *Aurora* in those years, are written.

5th. The samples first stated have not only been compared with the letters, addressed to Richardson by Rutledge, and acknowledged as his hand writing, but with reports made to

\* Mr. John Allen, of Connecticut.

Congress by Rutledge, and with letters, by him written, now on file in some of the public offices, and also with the Geffroy letters; and upon a careful comparison of the whole, by members of Congress and others, there has not been an individual of whatever politics, who has not acknowledged the strong similarity of hand writing in all the productions.

6th and lastly. Since this charge has been made against Rutledge, he has been careful in various writings, and in all within the reach of the accuser, to omit and avoid many of those strong and marked characteristics of his hand writing which are to be found in his antecedent writings. This is uncommon and unnatural—it is necessary to account for it—and it cannot be accounted for upon any other principle than his wish and attempt to have his hand writing appear different from that of the forged letters. Here then I am content to close the proof in support of the accusation, for the present, though other proofs, and proofs of other similar acts, may hereafter be submitted to the public.—Let us now attend to his defence.

Mr. Rutledge rests his defence :

- 1st. Upon his own oath.
- 2d. Upon the testimony of eight gentlemen, who testify that they do not believe he wrote the forged letters.
- 3d. Upon the testimony of three gentlemen, who, in addition to stating that they do not believe he wrote the letters, *testify, that the letters appear to be an unsuccessful attempt to imitate his hand writing.*
- 4th. Upon an endeavor to destroy the credibility of the testimony of the post-master and his assistant; by attempting to prove they have told contradictory stories, and by attempting to prove that no white girl lived in his family at the time.

It is my study to avoid every offensive expression, to excite in Rutledge and his friends the least irritability possible, and to furnish the means of a just decision upon the subject in controversy. By appearing before the public with his deposition, he has subjected himself to some unpleasant remarks, warranted by principle and essential to truth: He stands charged with the commission of a heinous crime, and the question is, whether he is guilty or not—upon the trial of this

issue he can only claim the benefit of, and must be governed by, those maxims and rules which are founded in reason and sanctioned by experience. No man is bound to accuse himself—no man can be compelled to testify against himself—*every one is permitted to plead not guilty, however guilty he may be—the rights of self-preservation warrant this.* But as no man is bound to accuse, so no one is permitted to exonerate himself. Both law and reason decide, that he who will commit one offence, to avoid punishment, will by denying it, commit another of equal magnitude—surely our laws are not made to punish the innocent; yet they never allow any man to discharge himself by oath; wisely considering that he, who, to gratify his passions or propensities, violates the law, to elude the evils of detection and punishment, at least may commit another violation. The oath of Rutledge therefore cannot avail. It ought not to be considered in his own case.

We come then to the testimony of eleven persons who have sworn that they do not believe he wrote the forged letters. As it respects the eight first who are referred to under his second point of defence, it does appear on what their belief is founded—whether on the confidence they repose in the station and declarations of Rutledge, or upon a want of similarity between the forged letters and his acknowledged hand writing. On which ever ground they have placed their belief, their oaths are equally direct—no imputation rests on them. From the acknowledged similarity, confessed by three of his own witnesses, attested by more than thirty respectable characters in Rhode-Island, and perceived and acknowledged by every person who has made the comparison at the seat of government, and it has been made by very many of different politics,—I really think these gentlemen, in testifying, must have relied, not on the want of similarity in the writing, but upon their full confidence in him. It is, however, most favorable for him to consider these gentlemen as testifying, that in their opinion, there was not a similarity between his acknowledged writing and the forged letters. It shall therefore so be considered. To destroy the effect of this testimony, it is answered, that most of the gentlemen did not compare the hand writing of these letters with various specimens or samples of his acknowledged writing, but with mere scraps of writing in their possession; that they did not assume the labor of investigation and discovery, by carefully examining the form and shape of letter by letter; but formed their opinion by the general appearance of the body of the writing from the first impression; that, adopting this mode of examination many others might agree with them, who, upon a careful comparison of each individual letter with a similar letter, are decidedly of opinion Rutledge wrote the

forged letters. For it is a fact, that these letters are in a disguised hand writing, which will be hereafter explained; and that, on the part of the accusation, the examination and comparison were made with great care and exactness, letter by letter and word by word, with various specimens of his hand writing; that there is a vast variety in his writing, and the more of his acknowledged writings there are produced as tests of his guilt, the more clearly it is proved—and that with these means of investigation, thus carefully examined, two Senators in Congress, the Lieutenant Governor, the Secretary of the State and several members of the Senate and House of Representatives in Rhode-Island, with nearly thirty others of the principal people of that state, have attested and are ready to attest that the forged letters are of his hand writing—that, in addition to this, these letters have been carefully compared by many members of Congress and others, of different politics, at the seat of government, with various official reports in the hand writing of Rutledge, now on file in the office of the clerk of the House of Representatives, and with letters from him registered in some of the offices—the result of which examination has been an universal acknowledgment of the striking and unprecedented similarity of hand writing, and a general belief that he is the author of this forgery. Nor does it rest here, for the fact is, that by drawing together at the examination a general assortment of the samples of his writing, not only every letter of the alphabet to be found in the forged letters has a fellow and exact likeness in a corresponding letter; but every different mode of forming and letter, as for instance, (P. or T. in writing) is met and supported by a similar letter, formed in the same manner in his acknowledged writing.—This is beyond the art of forgery—it is the contour of the man—it impresses with irresistible force the stamp of guilt.

In the next place, three of his witnesses have sworn that these letters appear to be an unsuccessful attempt to imitate his hand writing—doubtless they testified according to their belief, for they are honorable men—one of them holds a seat in Congress—but of all the attempts which have been made to screen Rutledge from the charge, this, for him, is the most unfortunate. The gentlemen themselves, on reflection, must abandon this belief, or subject themselves to ridicule. The formation of the letters in the acknowledged hand writing, and in the forgeries, is precisely the same—the only perceivable difference is in the attitude—this difference is most strikingly apparent at the commencement of the forgery, for about ten or a dozen lines—then the mind of the writer, as it would be natural to expect, became more and more occupied by the sub-

ject, and less attentive to disguise the writing. The writing, by degrees, approaches nearer and nearer to the natural and undisguised writing of Rutledge, till, drawing to a close, the main ideas of the writer being communicated, the mind resumes its solicitude to disguise the writing, and secret the author—then again, a careful attention is paid to the attitude of each individual letter—it is placed erect, or inclining to the left, contrary to his common manner of writing—the disguise once more is as great as at the commencement—the letters end in this manner. This is precisely the conduct to be expected; not from a man forging the hand writing of another, but from one attempting to disguise his own writing. He commences with the highest solicitude to remain unknown—then loses himself in the body of his work—and having completed his undertaking, or nearly so, the preservation of himself once more claims his principal attention. But the man who attempts to forge the hand writing of another, places the sample before him, consults the attitude, the figure, the size, and the shape of each letter, and endeavors, by every means in his power, to give to his writing the exact appearance of his sample. He who believes, that these letters were written by a man attempting to imitate the writing of Rutledge, must believe that when one attempts to imitate, he endeavours to be unlike—that in search of similarity, he labors to produce dissimilarity!

The friends of Mr. Rutledge have insinuated that the forgery was committed by Mr. Ellery. The charge has not been made openly. It has been whispered in the hollow murmurs of party jealousy. The feelings of party ought not to interweave themselves with this transaction. The appeal is not to the feelings of the people. It is not to their politics. It is made to their cool and collected judgment, when rightly informed. Nor is the question, whether the political system of Mr. Ellery or Mr. Rutledge shall be preferred. It is plainly, who forged the letters in the name of Gessroy? It is true that Mr. Ellery is the friend of Mr. Jefferson, and that Mr. Rutledge is his enemy.

A few remarks will shew, that the charge against Mr. Ellery is wholly unfounded. When a crime has been committed, and there are two who had equally the means of committing it, it is natural to infer that it was committed by that one to whom we can trace a motive. To Rutledge a motive can be assigned—that is, a wish to lead Mr. Jefferson to adopt some injudicious measure, thereby to bring him into contempt. To Mr. Ellery no such motive can be assigned.

To Mr. Rutledge another motive may be assigned, he had dealings with Geffroy, and might expect to obtain such answer or answers from him as the President might write to Geffroy, for the purpose of publication, perversion, and ridiculing Mr. Jefferson—Mr. Ellery could have had no such motive. Mr. Rutledge, it will not be denied by his friends, would not shun an opportunity that might fall in his way, to assail the political or literary reputation of Mr. Jefferson; those who know him well, are satisfied he would court and seek for an occasion to do so. This is not the character, nor could it be an object of Mr. Ellery. He was the friend of Mr. Jefferson—he could have no wish to deceive him; but must have a strong one to prevent his being deceived. As a Senator of the United States he was connected with him—as a person of similar politics, he had his confidence, and actually corresponded with him—he therefore could not wish to address the President under a feigned name. But some have suggested the motive was to destroy the reputation of Rutledge. Why should he wish to destroy Rutledge's reputation? They were not rivals—they belonged to different states, separated by the distance of a thousand miles—no misunderstanding had subsisted between them—no indignity had ever been offered by the one to the other. Of consequence it is to be presumed that no such motive existed in the mind of Mr. Ellery. Others have conjectured the design was to destroy his political influence. It cannot be believed that any person would adopt such means to produce *that end*. Mr. Rutledge has never been very respectable in Congress—he has never been influential—he is neither the Achilles nor the Ajax of federalism. If Ellery planned and executed the forgery, he must have had the writing of Rutledge for a sample. The means of supporting his accusation were, in that case, at his command—the reports made by Rutledge to Congress might as well have been examined last winter as this—the forged letters he could have procured at any time. If then he had planned the destruction of Rutledge—intent upon the accomplishment of his design, he would have devoted himself to his preparations; and, impatient for his prey, he would have seized upon it instantly. No such thing took place—eleven months passed away after his knowledge of Rutledge's guilt, and before he ever saw his hand writing. Contempt for him—pity and compassion for his family—and a disposition on his own part to live at peace with all men, as well as to accord with the feelings and wishes of the post-master, induced him to forbear. It may be asked, why then, at the end of thirteen months, did he come forward with the accusation? An impressive reason is given in the facts stated. Rutledge had sent to Callender a letter, superscribed in his constrained hand

writing. Callender had given an answer, addressed to Robert T. Smith, and came forth in his paper with the foulest and the blackest calumny against the President; and Rutledge had called at the office, and taken the letter addressed to Smith.

If it be reasonable, when a crime has been committed, and two had equally the means of committing it, to believe that one is guilty, to whom some motive may be ascribed—where a crime has been committed and but one of the two had the means of perpetration, it is much more reasonable to believe him guilty with whom alone the power rested. In all cases, where the motives to the act and the means to accomplish it are exclusively attached to one, it is full proof—we must believe that one guilty. Rutledge had the motive—he had the means. The writing is exactly similar to the anonymous productions sent to the Editor of the Aurora, and the paper was delivered to Rutledge in the Hall of Congress. There is not the least similarity between Mr. Ellery's hand writing and the forged letters—no one has ever suggested that they bore the least resemblance of each other—he had not the paper—no such paper had ever been in New England for sale—he had never been in Congress—he had not been out of New England—he could not have known the facts stated in the Aurora, consequently he could not have been the author of them—once more, he could not have forged these letters, he had no sample, he had never seen the hand writing of Rutledge.

But the following irrefragible facts place the forgery, so far as it has been insinuated against Mr. Ellery, on grounds too plain to be mistaken.

- 1st. Numerous articles in the same hand writing as the forged letters had been for several years, and only during a portion of time after the meeting and before the close of the Sessions of Congress in Philadelphia, sent by private messengers, and thro' the post office, for publication in the Aurora.
- 2d. Those communications took place in 1797, 1798 and 1799—and the answers to the Editor of the Aurora, calling for an interview, were generally made within the following day. The writer must therefore have been in Philadelphia at all those periods.

3d. Mr. Ellery was not at Philadelphia, nor out of New England from 1794 to 1801—of course he could not be the writer of the articles in Philadelphia in 1797, 1798, 1799, nor give such an answer as the reference to General Varnum, in the course of forty-eight hours.

Mr. Ellery was neither present, did not possess the means, even if it could be presumed that he could have had any notice of the kind.

Let us now for a moment consider the fourth and last point of Rutledge's defence. It is this—that the testimony of the postmaster and his son ought not to be accredited. I have not questioned the character of any witness. I have not commented upon the testimony of Mr. Kinloch, who has volunteered in giving *three* depositions in favour of Rutledge. I have not called the attention of the public to the strong solicitude of Rutledge's friends to free him from the charge. Nor have I examined the difference in feelings and interest between those who wish well to Mr. Ellery, who stands acquitted of every charge of impropriety, by shewing probable cause for his accusation, and those who wish well to the accused, who stands trembling at the bar of public justice, and whose fame and character are forever gone unless he can destroy the testimony presented against him. These are points which might well be submitted to public consideration—but do not so well become that man who offers an impartial statement to the public, with those remarks only which flow spontaneously from the consideration of the case.—The postmaster and his son are men of unspotted reputation. Indeed the reputation of the former stands so high, that when some of the friends of the late administration attempted to get him removed from office for his political opinions, other friends of the same administration, of the first respectability, rallied round him, as a man of tried and approved honesty and punctuality, and effectually screened him from the meditated vengeance. The cause of their suspicion is both just and apparent—when one had seen Rutledge drop the letter addressed to Mr. Gerry, in the disguised hand writing; and both had examined and found it to be his writing—and when repeated other instances of letters in the same disguised or constrained hand writing had excited their attention—is it extraordinary that they should pay particular attention to the letters addressed to the President in the same disguised writing? Or can it be believed, that after having for years mailed all his letters to his numerous correspondents, and received a number from him, they had not a perfect knowledge of his writing? But Kinloch has testified, that, when



Rutledge asked the elder Richardson, who brought the letters to the office, Richardson replied that he did not wish to say any thing on the subject; that Rutledge rejoined that he thought his a civil question; and that, as they were going, as he understood, Richardson answered that he did not keep a record of such things and did not know who brought the letters. Admitting this declaration to have been made, what proof is derived from it? Is it evidence that Mr. Richardson is perjured? Is it evidence of a want of credibility in him? No—The answer he first gave is an evidence of his persevering in his wish and determination not to state his knowledge; and his last answer confirms the same opinion—"He did not keep a record of such things." If he really was ignorant, why did he first declare that he did not wish to say any thing on the subject? Why did he afterwards declare that he did not keep a record of such things? Is this the plain language of a man who has no knowledge of the subject about which he is interrogated? Certainly not—the answers evince a disposition to avoid the question and create upon the mind of the hearer a belief that the person so acting is possessed of information which he wishes not to disclose: and this in fact was the situation of Mr. Richardson. By what authority could Rutledge claim that or any other information which Richardson did not wish to disclose? Richardson had a right to elude the question without its affecting his testimony—this has been decided repeatedly in our tribunals of justice.—Once more, this same Kinloch has testified to certain conversations with the assistant postmaster, with a view to raise a doubt respecting the testimony of that gentleman, not reflecting that his assiduity in favor of Rutledge—in consulting every person in Newport—in preventing Geffroy from testifying—in giving three distinct depositions himself, and crowning the same by a supplementary letter—had placed his own testimony in a doubtful point of view. This testimony of Kinloch the assistant has contradicted and explained. No inference can be drawn for or against young Richardson from the attempt or explanation.

Rutledge has clearly proved that he entered into possession of the house on Washington-square the 16th of July, 1801; and by the testimony of a seamstress he has proved that she had taken some work for the family at the same time—was at his house, for about three weeks, as often as every other day—heard them frequently complain for want of help, and did not see any little white girl. The business of this female did not lead her either to the table or kitchen of Rutledge—she therefore probably was not at his house, either at the place or at the time most likely to see the servants. As for the complaint for

the want of help, it might arise from the insufficiency of both Polly Osburn and Betsey Chapman for the service—they were both small young girls and employed for a few days each, which proves that either they or their employers were not satisfied. But make the most of it, still from this testimony, one of the girls might have been there on the 6th of August. Several other loose circumstances are relied on, but the testimony of Betsy Chapman appears to be the only thing material—for I lay out of the case what has been said by one party or the other about an attempt to bribe the witnesses—the proof on that subject when examined amounts to nothing. She testifies, that according to the best of her recollection, she went to live with Rutledge about the last day of August; and that she never carried any letters to the post office, and was never sent any where with or for letters—but *was twice sent to the post office for newspapers*. Let it be remembered that this girl does not venture to ascertain the time when she went to live in Rutledge's family—she only says *that according to her recollection!*—the recollection of an illiterate young girl of eleven or twelve years of age, after a lapse of fourteen months, and without any particular circumstance to strengthen it!—But mark! One fact is agreed, that is, that Betsy Chapman went to Rutledge's when Polly Osborn left there. Mrs. Osborn testifies, that her daughter lived with Rutledge, two weeks in the summer 1801, and left his service, according to her recollection, about the last day of July—of course Betsy Chapman was there the fore part of August. I think the facts stated by Betsey Chapman will shew she was at Rutledge's at the time; and, if I am not mistaken, will shew a great deal more—they will shew she was the identical person who delivered the forged letters at the post-office, notwithstanding she denies the fact, which amounts to no more than this, that she does not remember it. Her testimony reminds one of that bird, which to avoid the huntsman, conceals the head and leaves the body exposed to view. She says “she never carried any letters to the post-office or any where else.” She remembers being *twice sent for newspapers to the post-office*—Yes, she was sent *twice*, and but *twice* to the post-office, and there was no occasion but *twice* to send a person not usually employed in that service—that is, when the two forged letters were sent, one on the 2d, the other on the 8th of August. But how did it happen that for *twice*, and *twice* only, Rutledge employed this girl to go *for newspapers* to the post-office? Where was his body servant, who usually attended the office? Why, if she is correct, did he send one for papers, and as it is presumed, another for letters, and possibly on the same principle, a third with his letters for the office? When Betsey Chapman was going to the office, why were not his letters sent

by her? Why was she not instructed to bring such letters as had arrived for him? Was she too young and ignorant to be intrusted with his letters? If so, why not order the servant who was sent for his letters to bring his papers? Would he have been overladen, and did he want the aid of this puny girl to convey Rutledge's mail? Or did Rutledge, for twice, and only for twice in his life, divine that the mail had brought him papers and not letters, and so venture to employ this girl in the service. Let him believe that has faith—for my own part I do not believe in any such thing. Nor is his *twice* sending this girl to the post office any mystery to me. It suited the nature of his undertaking, to make use of persons not commonly employed in that service—I cannot think that part of her testimony which relates to her not carrying any letters to the office can be intitled to belief—it is not the mode in which people commonly order their affairs. The post-master and his assistant testify the letters were brought by a girl who declared Mr. Rutledge sent her—she testifies that she was *twice* at the office, but carried no letters—they are men of established reputation—she is a girl of eleven or twelve years only, with no established character—on their minds the transaction made a strong impression—on hers no peculiar impression was made—their recollections are strengthened and supported by their memoranda, made at the time—she had no memoranda, nor any thing to refresh her memory. The public will decide whether, under the circumstances, Betsy Chapman or the post-master and his assistant are intitled to belief.

I have now completed the remarks on the defence of Rutledge. Before I close the subject, it is necessary to state the great points on which the accusation is founded, and on which the accuser relies in support of the charge. They are these—

1st. The direct and positive testimony of the post-master and his assistant, who have sworn to the fact—whose testimony is supported by their original memoranda, made on the days the letters were delivered into the post office, and by the various corroborating facts and circumstances heretofore stated.

2d. The paper on which the forged letters were written, being delivered out to Congress, in the last Session of the last Congress, when Rutledge attended as a member, form conclusive evidence of his guilt. On inquiry it does not appear, that any such paper was for sale in Rhode Island, or ever had been; and it does appear that in other instances Rutledge has used Congressional paper in vacation. We all know that our banks preserve paper for the purposes of comparison—there was no

person at Newport who could have access to this paper, excepting Rutledge and Champlin. When we reflect upon this fact, that the forged letters are the same hand writing with the anonymous pieces abusing Champlin himself, to such a degree that decency forbids their publication, we may rest satisfied he was not the author of the forgery ; and as they two alone had the means, that is the paper, we must infer that Rutledge is guilty.

3d. There are certain expressions in the letters from which it is reasonable to infer that Rutledge wrote them. The writer speaks "of making the harvest"—this is the dialect of a southern man—it is never heard from a Yankee. He speaks "of gathering the harvest." Again, the writer speaks of the Daily Rose and offers to send one to the President—the only one growing in the state of Rhode Island, was in the garden occupied by Rutledge. Once more, the writer mentions the price given for the land which was bought for the accommodation of the garrison. This land was sold to the government, by the ladies of whom he rented his house.—It is admitted that any other person might have used these expressions ; but we are not to judge of what is barely possible. Our judgment must be founded upon what is most probable. Being in the habit of contemplating the beauties of the Daily Rose, his mind of all others would be the most likely to offer the suggestion—besides he was the only person who could make the present. Being connected with the ladies who sold the land, he had the most certain means of ascertaining the price at which it was sold. Being himself a southern man, he was most likely "to make the harvest." A harvest to be sure he has made—but it is of sorrow, shame, and mortification.

4th. The exact similarity between the hand writing of the pieces sent to the Aurora, and the forged letters, forms additional evidence that Rutledge is the author of the letters. The forged letters and the anonymous pieces were from the same pen. Rutledge was at Liston's levees, balls, and dinners—he, and he alone, of all the persons in Newport, could speak of what happened at those entertainments—he was from South Carolina—he knew that Harper had been a member of the Jacobin Club—he had resided at Newport, where Champlin and his family reside—he knew what would inflict the most severe wound upon the sensibilities of Champlin—he aspired to become speaker after Dayton, and is well known to have been severely mortified at his disappointment—he knew what had happened between Gallatin and Otis—he was in the federal secrets—he therefore knew how to communicate all the minu-

tiæ. Can any one longer doubt from what origin the Aurora derived its superior and surprizing knowledge of these things?

5th, and lastly. I will make some additional remarks upon the striking similarity between the writing of the forged letters, and his acknowledged hand writing. To do justice to the subject, without the aid of a *fac simile*, is impossible. By that, and by that alone, can the subject be brought home to the knowledge of the inquirer. This may become necessary, and in case it does, it shall be presented to the public. Indeed, as the question under discussion is of the last importance to Rutledge, it would be a most desirable thing to have his friends, and the friends of Mr. Ellery, join in selecting some able artist, to lay before the public, in *fac simile*, his acknowledged hand writing, in various reports to Congress, and other writings, together with the forged letters and the anonymous pieces addressed to the Aurora. As this is not done with such means as I have at command—I again repeat that the only dissimilarity is in the attitude of the letters. This dissimilarity would arise from an attempt to disguise his writing—not from an attempt to counterfeit it. The peculiar characteristics of his writing are to be found in every instance in the forged letters—in his acknowledged writing every letter “i” is dotted, and near the line—the same is discovered in his forged letters—his marks of punctuation are some way below the line—so it is in the forgery—his “y” resembles the apothecary’s mark for a drachm—it is so in these letters—his “you” might as well be read “son”—again the same is discovered in the letters signed Nicolas Geffroy and Nic. Jeffroy—when two “ss” come together in his writing, they are generally both small and swelled out at the bottom, so as to approach the letter o—the same is discoverable in a variety of instances in the letters. Indeed I might proceed through the alphabet, contrasting letter with letter. In the hand writing of Rutledge there is a great variety—it is therefore more difficult to counterfeit—probably no one piece of his writing would include all the varieties to be found in the two forged letters; but bring together a variety of his acknowledged productions, and for every letter in the forgery you will find a corresponding letter in his genuine writing, in every respect conforming to each other.—This cannot be the forgery of his hand writing—How should the various samples be procured? How would the forger know when he had discovered the infinite variety of his writing? Or why should he not rest contented, when for each letter he had a sample? The forged letters consist of seven pages—in them there are more than two thousand words, and more than eight thousand letters—of all this mass of

words and letters, not one word or letter can be found that does not agree with the same word or letter in some of his acknowledged writing—yet they are all written in a flowing, easy, hand writing—not a single letter is mended—not a single letter is to be found to which a second stroke is given.—I cannot believe that man ever did exist, who was capable of such a forgery.—A name—a note, or a bill of exchange may be forged—but I never yet heard of any man's attempting to forge seven pages in succession. Much less did I ever hear of the forgery of a variable hand writing for seven pages, so naturally and so correctly performed as to have a resemblance in every letter and yet not one mended.—Witnesses may be perjured, but as Pilate said, "what is written is written."—It abides—it remains—it speaks for itself—it cannot be perjured.—To my mind, these facts afford evidence stronger than the testimony of witnesses. It is conclusive—irresistable—uncontradictable. It is "*strong as proof of holy writ.*"

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FAC SIMILE.

*As nothing can more conduce to the demonstration of the truth, than the publication of fac simile engravings of the writing of the forged letters, as hinted at in the foregoing pamphlet, William Duane will undertake to have engravings executed, if an adequate sum to defray the expence shall be subscribed, he will receive subscriptions for the purpose, and be accountable for the delivery of a number of copies to each subscriber proportioned to his subscription. This proposal ought to be accepted by all parties, as nothing can more tend to the exculpation of Mr. Rutledge, if he is not guilty; and the indifference or opposition of his friends to the proposal will be very naturally considered as an evidence of apprehension at least.*

*A paper is opened at the book-store for the receipt of subscriptions—and those may contribute who do not chuse to appear, by addressing their subscriptions as above.*













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